IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.1436 of 2007

Shri Vikas Gajanan Mhatre. .. .. Petitioner

V/s.

1.The State of Maharashtra & ors. .. .. Respondents

W I T H

Criminal Application No.245 of 2007

IN

Criminal Writ Petition No.1436 of 2007

Ramesh Sukrya Mhatre. .. .. Applicant

v/s.

Vikas Gajanan Mhatre & ors. .. .. Respondents (Res.No.1/Orig. Petitioner & Resp.Nos.2 to 4/ Orig.Respdts.)

Mr.V.V. Purwant for Petitioner.

Dr.F.R. Shaikh, APP for State.

Mr.R.D.Suryawanshi for Intervenor in Criminal Application No.245 of 2007.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Dated : 16th August, 2007

P.C. :

1. Rule. Rule made returnable forthwith.

2. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor as also the learned Counsel for the Applicant in the above Criminal Application No.245 of 2007.

3. The short relief sought by the Petitioner, who is an elected Municipal Corporator in Kalyan-Dombivali Municipal Corporation, is to attend a meeting fixed on 17th August 2007 at Kalyan-Dombivali Municipal Corporation, for casting his vote. In the event, he does not attend the meeting, the Corporation is likely to disqualify the Petitioner from being a Municipal Corporator.

4. We have perused the earlier order dated 26th February 2007 passed by this Court for a similar relief in Criminal Writ Petition No.372 of 2007.

5. The learned Counsel for the Applicant in Criminal Application No.245 of 2007 contends that the Petitioner and

his associates repeatedly threatened the Applicant with dire consequences. In view thereof, he is apprehensive of danger to his life also.

6. Under the aforesaid facts and circumstances, the learned Counsel for the Petitioner assures that the Petitioner and his associates will maintain full peace while attending the said meeting and will not threaten the Applicant in any manner whatsoever. He also assures that the Petitioner will bear expenses of the Police escort as he has to be taken in Police escort from the place where he is kept in detention.

7. In this behalf, the Petitioner shall deposit a sum of Rs.5,000/- with the Manpada Police Station, Dombivali towards the expenses of Police escort.

8. The 1st Respondent is directed to take the Petitioner-Vikas Gajanan Mhatre to Kalyan-Dombivali Municipal Corporation on 17th August 2007 for the purpose of casting his vote with adequate Police escort and as soon as the he casts his vote, the Petitioner shall be taken back to Manpada

Police Station, Dombivali, where he is kept in detention.

9. The learned Additional Public Prosecutor assures that he will immediately inform the concerned Police Station regarding this order so that the Petitioner will be able to deposit the said amount of Rs.5,000/-.

10. Both the above Criminal Writ Petition and the Criminal Application stand disposed of accordingly.

11. Parties to act on an authenticated copy of this order.

(**DR.S. RADHAKRISHNAN, J.)**

(ROSHAN DALVI, J.)